

**Remarks:**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-32 are pending in the application. No claims have been allowed. Claims 10, 13, and 17 have been amended. Claim 32 has been added. Claim 16 has been canceled. Claims 1, 12, 13, 17, 24, 27, and 28 are independent. The amendments herein are not necessarily made for reasons related to patentability and may not narrow the claims' scope.

***Amendments to the Specification***

Various paragraphs of the specification have been amended to fix various typographical errors. No new matter is added thereby.

***Objections to the Specification***

The Action noted that the trademark "Java" appears in the specification. Applicants recognize that "Java" is a trademarked term. In order to clarify Applicants use of the term "Java," applicants have amended the specification to include the "generic terminology" for the term "Java" as suggested by MPEP § 608.01(v). Specifically, Applicants have amended the specification to include the language "(the platform-independent programming language from Sun Microsystems, Inc., Java is a trademark of Sun Microsystems, Inc.)" after the first occurrence of the term "Java."

The Action noted that the application contains hyperlinks and browser-executable code. Applicants use of hyperlinks and browser-executable code is necessary in order to comply with the requirements of 35 USC § 112 first paragraph. Therefore, Applicants use of hyperlinks and browser-executable code should be permissible under MPEP § 608.01 (as quoted below).

Where the hyperlinks and/or other forms of browser-executable codes themselves rather than the contents of the site to which the hyperlinks are directed are part of applicant's invention and it is necessary to have them included in the patent application in order to comply with the requirements of 35 U.S.C. 112, first paragraph, and applicant does not intend to have these hyperlinks be active links, examiners should not object to these hyperlinks. The Office will disable these hyperlinks when preparing the text to be loaded onto the USPTO web database. MPEP § 608.01, examiner note #2.

Applicants are using hyperlinks in describing applicant's invention; the hyperlinks are not directed to sites having information to be incorporated into the Application. Applicants do not intend the hyperlinks to be active links.

### ***Claim Objection/Rejection***

The Action objected to the use of the trademark "Java" in claim 10. In addition, the Action rejected claim 10 as indefinite under 35 USC § 112, second paragraph. Applicants have amended claim 10 to address the objection and rejection. Support is found, for example, at p. 3, lines 9-20, of the Application.

### ***Cited Art***

The Action cites U.S. Patent No. 5,586,304 to Stupek et al ("Stupek") and U.S. Patent No. 6,802,061 to Parthasarathy ("Parthasarathy").

### ***102(b) Rejection***

#### ***Patentability of Claims 1-9 and 11-29 over Stupek under § 102(b)***

The Action rejected claims 1-9 and 11-29 under 35 U.S.C. § 102(b) as anticipated by Stupek. Applicants respectfully submit that the claims in their present form are allowable over the cited art. To establish a *prima facie* case of anticipation, the cited art must show each and every element as set forth in a claim. MPEP § 2131.01.

### **Claim 1**

Claim 1 reads as follows (emphasis added):

In a computer, a method of processing one or more software dependencies, the method comprising:  
for one or more of the software dependencies, determining whether software associated with the software dependency is present on the computer; and  
*responsive to determining the software associated with the software dependency is not present on the computer, acquiring the software associated with the software dependency;*  
wherein at least one of the software dependencies refers to a list comprising one or more other software dependencies.

*Stupek's description of package information does not teach or suggest "responsive to determining the software associated with the software dependency is not present on the computer, acquiring the software associated with the software dependency" as recited by claim 1.* Stupek describes that "the dependency information in the Package database 25 describes not only the dependencies between packages on the CD, but also all dependencies between an upgrade package and any upgrade not available on the CD." Stupek col. 6, lns. 45-49. Stupek is describing that the "dependency information" describes the dependencies of the package. With regard to the dependencies themselves, Stupek describes that "[e]ven though the unavailable upgrades cannot be automatically installed with the available upgrades, the user is nonetheless aware of their necessity." Stupek col. 6, lns. 49-51.

Stupek's description of the "dependency information" does not teach the "responsive to determining the software associated with the software dependency is not present on the computer, acquiring the software associated with the software dependency" language of claim 1. Rather, the "dependency information" described by Stupek is used to "describe" dependencies, not to "acquire" the dependencies that are not present on the computer as recited by claim 1.

Because Stupek does not teach the "acquiring the software" language of claim 1, Applicants believe that claim 1 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 1 is allowable.

#### Claims 2-9, 11

Claims 2-9 and 11 ultimately depend on claim 1. Thus, at least for the reasons set forth above with regard to claim 1, claims 2-9 and 11 is in condition for allowance.

#### Claim 12

Claim 12 is directed to a computer-readable medium for performing the method of claim 1. Therefore, at least for the reasons set forth above with regard to claim 1, claim 12 is in condition for allowance.

#### Claim 13

Claim 13 has been amended by essentially incorporating the language of claim 16 into claim 13. Amended claim 13 reads as follows (emphasis added):

In a computer, a method of specifying a software dependency, the method comprising:

- specifying a name of the software dependency, wherein the name is operable to identify a list of one or more other software dependencies;
- specifying a version of the software dependency;
- comparing the version for the software dependency against a version of software installed at the computer; and

*responsive to determining the version installed at the computer is not sufficient, installing the software dependency.*

*Stupek's description of an upgrade advisor does not teach or suggest "responsive to determining the version installed at the computer is not sufficient, installing the software dependency" as recited by claim 13.* Stupek describes that "[w]hen the upgrades 7 become available to the network (e.g., by inserting the CD-ROM into the server manager drive, or by logging into the on-line service), an upgrade advisor 11 in the upgrade device 10 automatically analyzes each network resource 3 currently on the server 1 to determine the availability and necessity of the corresponding upgrade 7." Stupek col. 3, lns. 53-58. In this section, Stupek is describing an upgrade process, not a method of handling dependencies.

With regard to dependencies, Stupek describes that "the dependency information in the Package database 25 describes not only the dependencies between packages on the CD, but also all dependencies between an upgrade package and any upgrade not available on the CD. Even though the unavailable upgrades cannot be automatically installed with the available upgrades, the user is nonetheless aware of their necessity." Stupek col. 6, lns. 45-51.

Stupek's description of the "dependency information" does not teach the "responsive to determining the version installed at the computer is not sufficient, installing the software dependency" language of claim 13. Rather, the "dependency information" described by Stupek is used to "describe" dependencies, not to "install" a dependency as recited by claim 13. In fact, Stupek explicitly states that "unavailable upgrades cannot be automatically installed." Stupek col. 6, lns. 49-50.

Because Stupek does not teach the "installing the software dependency" language of claim 13, Applicants believe that claim 13 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 13 is allowable.

Claims 14-15

Claims 14 and 15 depend on claim 13. Thus, at least for the reasons set forth above with regard to claim 13, claims 14 and 15 are in condition for allowance.

Claim 16

Claim 16 has been canceled.

Claim 17

Claim 17 has been amended to clarify that the method comprises “responsive to determining software dependencies associated with the specified software are not already installed at the computer, acquiring the software dependencies.” Amended claim 17 reads as follows (emphasis added):

In a computer, a method of processing a name designating software, the method comprising:  
consulting a database to see if software associated with the name is already installed at the computer;  
responsive to determining software associated with the name is not already installed at the computer, acquiring the specified software; and  
*responsive to determining software dependencies associated with the specified software are not already installed at the computer, acquiring the software dependencies;*  
wherein the name is operable to specify a plurality of software components.

*Stupek's description of an upgrade advisor does not teach or suggest “responsive to determining software dependencies associated with the specified software are not already installed at the computer, acquiring the software dependencies” as recited by claim 17.* Stupek describes that “[w]hen the upgrades 7 become available to the network (e.g., by inserting the CD-ROM into the server manager drive, or by logging into the on-line service), an upgrade advisor 11 in the upgrade device 10 automatically analyzes each network resource 3 currently on the server 1 to determine the availability and necessity of the corresponding upgrade 7.” Stupek col. 3, lns. 53-58. In this section, Stupek is describing an upgrade process, not a method of handling dependencies.

With regard to dependencies, Stupek describes that “the dependency information in the Package database 25 describes not only the dependencies between packages on the CD, but also

all dependencies between an upgrade package and any upgrade not available on the CD. Even though the unavailable upgrades cannot be automatically installed with the available upgrades, the user is nonetheless aware of their necessity.” Stupek col. 6, lns. 45-51.

Stupek’s description of the “dependency information” does not teach the “responsive to determining software dependencies associated with the specified software are not already installed at the computer, acquiring the software dependencies” language of claim 17. Rather, the “dependency information” described by Stupek is used to “describe” dependencies, not to “acquire” the dependencies as recited by claim 17. In fact, Stupek explicitly states that “unavailable upgrades cannot be automatically installed.” Stupek col. 6, lns. 49-50.

Because Stupek does not teach the “acquiring the software dependencies” language of claim 17, Applicants believe that claim 17 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 17 is allowable.

#### Claims 18-23

Claims 18-23 depend on claim 17. Thus, at least for the reasons set forth above with regard to claim 17, claims 18-23 are in condition for allowance.

#### Claim 24

Claim 24 reads as follows (emphasis added):

A computer-readable medium comprising a computer software package of a nestable software package format, wherein the software package format comprises:

a package name;

*a list of dependencies, wherein the list of dependencies is operable to specify one or more other software packages on which the software package depends, wherein at least one of the other software packages is associated with another package name and another list of dependencies and is also of the nestable software package format.*

*Stupek’s description of “dependencies” does not teach or suggest a “nestable software package format” which comprises “a list of dependencies, ... wherein at least one of the other software packages is associated with another package name and another list of dependencies and is also of the nestable software package format” as recited by claim 24. Stupek describes that “[t]he database also contains information regarding the dependencies between the package*

and other upgrade objects or packages: child dependencies 25h are the upgrade objects associated with a package; sibling dependencies 25j are the packages upon which a package depends; and parent dependencies 25i are the packages or upgrade objects which together constitute a larger package.” Stupek col. 6, lns. 24-31. While Stupek does describe “dependencies between the package and other upgrade objects or packages,” Stupek does not describe that the dependencies are in a “nestable software package format,” or that the nestable software package format comprises “a list of dependencies, ... wherein at least one of the other software packages is associated with another package name and another list of dependencies and is also of the nestable software package format” as recited by claim 24.

For example, the Application at p. 18, lines 11-16, describes “nested dependencies” as follows:

After acquiring the dependency from the source, the package manager installs the dependent software components on the local computer. The installation of the dependent components is identical to the installation process for the original software package which will be described in detail below in conjunction with steps 307 through 325. Because each dependency can itself include dependencies, the package manager will install all the nested dependencies prior to finishing the installation of the original software package.

Because Stupek does not teach the “nestable software package format” language of claim 24, Applicants believe that claim 24 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 24 is allowable.

#### Claims 25-26

Claims 25-26 depend on claim 24. Thus, at least for the reasons set forth above with regard to claim 24, claims 25-26 are in condition for allowance.

#### Claim 27

Claim 27 reads as follows (emphasis added):

A computer-readable medium comprising a software distribution package for installing software at a computer, wherein the software distribution package comprises:

one or more items for installation at the computer;  
*a dependency list indicating one or more items depended on by the software, wherein at least one of the items on the dependency list is not contained*

*in the package, and the software package indicates a remote location from which the item can be obtained;*

wherein the items are specified in the dependency list by a name operable to specify a plurality of additional items.

*Stupek's description of "dependencies" does not teach or suggest a "a dependency list indicating one or more items depended on by the software, wherein at least one of the items on the dependency list is not contained in the package, and the software package indicates a remote location from which the item can be obtained" as recited by claim 27.* Stupek describes that "[t]he database also contains information regarding the dependencies between the package and other upgrade objects or packages: child dependencies 25h are the upgrade objects associated with a package; sibling dependencies 25j are the packages upon which a package depends; and parent dependencies 25i are the packages or upgrade objects which together constitute a larger package." Stupek col. 6, lns. 24-31. Stupek further describes that "the dependency information in the Package database 25 describes not only the dependencies between packages on the CD, but also all dependencies between an upgrade package and any upgrade not available on the CD. Even though the unavailable upgrades cannot be automatically installed with the available upgrades, the user is nonetheless aware of their necessity." Stupek col. 6, lns. 45-51.

While Stupek describes that the dependency information "describes" the dependencies, Stupek does not describe that "the software package indicates a remote location from which the item can be obtained" as recited by claim 27.

Because Stupek does not teach this language of claim 27, Applicants believe that claim 27 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 27 is allowable.

#### Claim 28

Claim 28 reads as follows (emphasis added):

A computer system for executing a software package comprising a specified list of one or more dependencies, the computer system comprising:  
a database indicating the installation status of one or more software components;

*a software package manager operable to resolve the specified list of one or more dependencies by consulting the database to determine whether a dependency is installed and further operable to acquire a dependency determined as not installed;*



wherein the software package manager is operable to process at least one item in the specified list of dependencies referring to an other list of dependencies.

*Stupek's description of an upgrade advisor does not teach or suggest "a software package manager operable to resolve the specified list of one or more dependencies by consulting the database to determine whether a dependency is installed and further operable to acquire a dependency determined as not installed" as recited by claim 28.* Stupek describes that "[w]hen the upgrades 7 become available to the network (e.g., by inserting the CD-ROM into the server manager drive, or by logging into the on-line service), an upgrade advisor 11 in the upgrade device 10 automatically analyzes each network resource 3 currently on the server 1 to determine the availability and necessity of the corresponding upgrade 7." Stupek col. 3, lns. 53-58. In this section, Stupek is describing an upgrade process, not a method of handling dependencies.

With regard to dependencies, Stupek describes that "the dependency information in the Package database 25 describes not only the dependencies between packages on the CD, but also all dependencies between an upgrade package and any upgrade not available on the CD. Even though the unavailable upgrades cannot be automatically installed with the available upgrades, the user is nonetheless aware of their necessity." Stupek col. 6, lns. 45-51.

Stupek's description of the "dependency information" does not teach the "a software package manager ... operable to acquire a dependency determined as not installed" language of claim 28. Rather, the "dependency information" described by Stupek is used to "describe" dependencies, not to "acquire" the dependencies as described by claim 28. In fact, Stupek explicitly states that "unavailable upgrades cannot be automatically installed." Stupek col. 6, lns. 49-50.

Because Stupek does not teach the "acquire a dependency" language of claim 28, Applicants believe that claim 28 is not subject to the anticipation rejection and request that the rejection be withdrawn. Thus, claim 28 is allowable.

#### Claim 29

Claim 29 depends on claim 28. Thus, at least for the reasons set forth above with regard to claim 28, claim 29 is in condition for allowance.

### ***103 Rejection***

#### ***Patentability of Claims 10, 30, and 31 over Stupek in view of Parthasarathy under § 103(a)***

The Action rejected claims 10, 30, and 31 under 35 U.S.C. § 103(a) as unpatentable over Stupek in view of Parthasarathy. Applicants respectfully submit the claims in their present form are allowable over the cited art.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2142. Motivations to combine or modify references must come from the references themselves or be within the body of knowledge in the art. MPEP § 2143.01.

#### **Claims 10, 30, and 31**

Claim 10 ultimately depends from claim 1, and claims 30 and 31 depend from claim 28. Therefore, for at least the reasons stated above with regard to Stupek for claims 1 and 28, the Action's § 103(a) rejection of claims 10, 30, and 31 also cannot be supported. Further, as understood by Applicants, Stupek in view of Parthasarathy still fails to support a § 103(a) rejection. Thus, the claims are in condition for allowance.

#### ***New Claim 32***

Claim 32, which is dependent on claim 1, is directed to "a method of processing one or more software dependencies" where "after acquiring the software associated with the software dependency, installing the software." As understood by applicants, Stupek does not describe the additional language of claim 32.

#### ***Request For Interview***

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It

is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

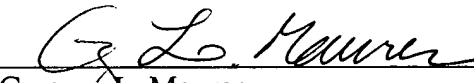
***Conclusion***

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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